

1-1 By: Ellis S.B. No. 602
1-2 (In the Senate - Filed February 19, 2003; February 25, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 2, 2003, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access to criminal history record information
1-9 concerning employees, volunteers, and applicant volunteers of
1-10 children's advocacy centers.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subdivision (3), Subsection (a), Section
1-13 411.114, Government Code, is amended to read as follows:

1-14 (3) The Department of Protective and Regulatory
1-15 Services is entitled to obtain from the department criminal history
1-16 record information maintained by the department that relates to a
1-17 person who is:

1-18 (A) a volunteer or applicant volunteer with a
1-19 local affiliate in this state of Big Brothers/Big Sisters of
1-20 America;

1-21 (B) a volunteer or applicant volunteer with the
1-22 "I Have a Dream/Houston" program;

1-23 (C) a volunteer or applicant volunteer with an
1-24 organization that provides court-appointed special advocates for
1-25 abused or neglected children;

1-26 (D) a person providing, at the request of the
1-27 child's parent, in-home care for a child who is the subject of a
1-28 report alleging the child has been abused or neglected;

1-29 (E) a volunteer or applicant volunteer with a
1-30 Texas chapter of the Make-a-Wish Foundation of America;

1-31 (F) a person providing, at the request of the
1-32 child's parent, in-home care for a child only if the person gives
1-33 written consent to the release and disclosure of the information;

1-34 (G) a child who is related to the caretaker, as
1-35 determined under Section 42.002, Human Resources Code, and who
1-36 resides in or is present in a child-care facility, family home, or
1-37 maternity home, other than a child described by Subdivision (2)(C),
1-38 or any other person who has unsupervised access to a child in the
1-39 care of a child-care facility, family home, or maternity home;

1-40 (H) an applicant for a position with the
1-41 Department of Protective and Regulatory Services, other than a
1-42 position described by Subdivision (2)(D), regardless of the duties
1-43 of the position;

1-44 (I) a volunteer or applicant volunteer with the
1-45 Department of Protective and Regulatory Services, other than a
1-46 registered volunteer, regardless of the duties to be performed;

1-47 (J) a person providing or applying to provide
1-48 in-home, adoptive, or foster care for children to the extent
1-49 necessary to comply with Subchapter B, Chapter 162, Family Code;

1-50 (K) a Department of Protective and Regulatory
1-51 Services employee, other than an employee described by Subdivision
1-52 (2)(H), regardless of the duties of the employee's position;

1-53 (L) a relative of a child in the care of the
1-54 Department of Protective and Regulatory Services, to the extent
1-55 necessary to comply with Section 162.007, Family Code;

1-56 (M) a person, other than the subject of a report
1-57 described in Subdivision (2)(I), living in the residence in which
1-58 the alleged victim of the report resides;

1-59 (N) a contractor or an employee of a contractor
1-60 who delivers services to a ward of the Department of Protective and
1-61 Regulatory Services under a contract with the estate of the ward;
1-62 [~~or~~]

1-63 (O) a person who seeks unsupervised visits with a
1-64 ward of the Department of Protective and Regulatory Services,

2-1 including a relative of the ward; or
2-2 (P) an employee, volunteer, or applicant
2-3 volunteer of a children's advocacy center under Subchapter E,
2-4 Chapter 264, Family Code.

2-5 SECTION 2. This Act takes effect September 1, 2003.

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